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E-FILED - 4/10/08

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

20 COMERICA BANK, a Michigan banking
21 corporation,

Case No. C 06-03735 RMW (RS)

The Hon. Ronald M. Whyte

**STIPULATION AND []
ORDER OF DISMISSAL WITH
PREJUDICE**

[Complaint Filed: June 12, 2006]

24 MICHAEL L. McDONALD and ALAN P.
McDONALD

Defendants.

27 | AND RELATED CROSS-ACTION

1 **STIPULATION AND [PROPOSED] ORDER OF DISMISSAL**

2 IT IS HEREBY STIPULATED, by and between plaintiff and counterclaim
3 defendant Comerica Bank ("Comerica"), and defendants and counterclaimants Michael L.
4 McDonald and Alan P. McDonald (collectively, "McDonalds"), that:

5 1. Comerica and the McDonalds have settled their dispute.
6 2. Pursuant to Fed. R. Civ. P. 41(a), Comerica and the McDonalds now
7 stipulate to the dismissal of all of their claims against each other in the Lawsuit with
8 prejudice.

9 3. Each party will bear its own legal expenses, including without limitation,
10 attorneys' fees and costs.

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12 Dated: March 26, 2008

13 Respectfully submitted,

14 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

16 By _____ /s/ David A. DeGroot
17 Attorneys for Plaintiff and Counter-defendant
18 COMERICA BANK

19 Dated: March 26, 2008

20 FIGARI & DAVENPORT, L.L.P.

21 By _____ /s/ Don Colleuori
22 Attorneys for Defendants and Counterclaimants
23 MICHAEL L. McDONALD
24 and ALAN P. McDONALD

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2 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), David A. DeGroot*
3 *hereby attests that the signatories' concurrences in the filing of this document have been*
4 *obtained.*

5

PURSUANT TO THE ABOVE STIPULATION, IT IS HEREBY ORDERED:

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7 1. Pursuant to Fed. R. Civ. P. 41(a), Comerica's complaint against the
8 McDonalds and the McDonalds' counterclaim against Comerica are hereby dismissed with
9 prejudice.

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11 2. Each party will bear its own legal expenses, including without limitation,
12 attorneys' fees and costs.

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14 Dated: 4/10/08

Ronald M. Whyte

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16 UNITED STATES DISTRICT COURT JUDGE
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